

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION**

**MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN**

SUSAN HALUZAK, INDIVIDUALLY AND AS
WRONGFUL DEATH HEIR OF ELSIE
BIERMANN, DECEDENT,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11874

Plaintiff,

v.

DIRECT FILED ACTION

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC, D/B/A
PHARMA TECH INDUSTRIES,

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Elsie Biermann
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Racine County, Wisconsin.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: N/A.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Elsie Biermann, Minocqua, WI.
5. Plaintiff/Decedent was born on 1934 and died on July 19, 1997.
6. Plaintiff is filing this case in a representative capacity as the daughter and next of kin of the Elsie Biermann, Deceased.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

 injury to herself

 X injury to the person represented

 X wrongful death

 X survivorship action

 X economic loss

X loss of services
 loss of consortium
 other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. (“Imerys Talc”)
- ☐ Personal Care Products Council (“PCPC”)

Additional Defendants:

- ☐ Other(s) Defendant(s) (please specify): PTI Union, LLC (“PTI Union”)

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Eastern District of Wisconsin.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Burlington, WI.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Minocqua, WI.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Minocqua, WI on or about December 1996.
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: 1947 and continued the use of talcum powder product(s) through about the following date: 1997.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Wisconsin.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
 - ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
18. The following claims and allegations asserted in the *Master Long Form Complaint and*

Jury Demand are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Wisconsin (Against the Johnson & Johnson Defendants)

- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)
- ☒ Count XXIV: Products Liability – Strict Liability – Failure to Warn (Against PTI Union)
- ☒ Count XXV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against PTI Union)
- ☒ Count XXVI: Negligence (Against PTI Union)
- ☒ Count XXVII: Breach of Express Warranties (Against PTI Union)
- ☒ Count XXVIII: Fraud (Against PTI Union)
- ☒ Count XXIX: Fraudulent Concealment (Against PTI Union)
- ☐ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or

State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
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Counsel for Plaintiff(s)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION**

JANENE TOLLIS,

Plaintiff,

v.

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC D/B/A
PHARMA TECH INDUSTRIES,

Defendants.

**MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN**

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11884

DIRECT FILED ACTION

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Janene Tollis
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Frederick
County, VA.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: _____.
4. Survival and/or Wrongful Death Claims:
Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: _____

5. Plaintiff/Decedent was born on _____ and died on N/A.
6. Plaintiff is filing this case in a representative capacity as the _____ of the _____, having been duly appointed as the _____ by the _____ Court of _____.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

X _____ injury to herself
_____ injury to the person represented

_____ wrongful death
_____ survivorship action
 X economic loss
 X loss of services
_____ loss of consortium
_____ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Western District of Virginia.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Winchester, Virginia.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Winchester, Virginia.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Winchester, Virginia on or about August 19, 2016 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1970 and continued the use of talcum powder product(s) through about the following date: approximately 2016.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Virginia, Pennsylvania, and California.
16. Plaintiff/Decedent used the following talcum powder products:

- ☒ Johnson & Johnson's Baby Powder
- ☒ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of California, Pennsylvania, and Virginia (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☐ Count XXII: Wrongful Death (Against All Defendants)
- ☐ Count XXIII: Survival Action (Against All Defendants)
- ☒ Count XXIV: Products Liability – Strict Liability – Failure to Warn (Against PTI Union)
- ☒ Count XXV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against PTI Union)
- ☒ Count XXVI: Negligence (Against PTI Union)
- ☒ Count XXVII: Breach of Express Warranties

(Against PTI Union)

- ☒ Count XXVIII: Fraud (Against PTI Union)
- ☒ Count XXIX: Fraudulent Concealment (Against PTI Union)
- ☐ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
110 E. Lockwood, 2nd Floor
St. Louis, MO 63119

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Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

DAVID VANNESS, AS ANTICIPATED
PERSONAL REPRESENTATIVE OF THE ESTATE
OF ELAINE VANNESS, DECEASED,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11885

Plaintiff,

v.

DIRECT FILED ACTION

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC D/B/A
PHARMA TECH INDUSTRIES

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Elaine Vanness
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Milwaukee
County, WI.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: _____.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Elaine Vanness, Wisconsin

5. Plaintiff/Decedent was born on February 10, 1926 and died on February 3, 2009.
6. Plaintiff is filing this case in a representative capacity as the son and next of kin
of the decedent Elaine Vanness.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

X_____ injury to the person represented

X_____ wrongful death

X_____ survivorship action

- X economic loss
X loss of services
_____ loss of consortium
_____ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
☐ Johnson & Johnson Consumer Inc.
☒ Imerys Talc America, Inc. ("Imerys Talc")
☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:
- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Eastern District of Wisconsin.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Muskego, Wisconsin.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Oak Creek, Wisconsin.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Milwaukee, Wisconsin on or about July 28, 2006 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1950 and continued the use of talcum powder product(s) through about the following date: approximately 2000.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Wisconsin.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
- ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form*

Complaint and Jury Demand as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)

- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Wisconsin (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)

☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. Please see additional sheet.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of

compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
110 E. Lockwood, 2nd Floor
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314-963-9000 telephone
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Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FRED A. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

ARCHIE WELLMAN, AS ANTICIPATED
PERSONAL REPRESENTATIVE OF THE ESTATE
OF CATHERINE WELLMAN, DECEASED,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11888

Plaintiff,

DIRECT FILED ACTION

v.

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC, D/B/A
PHARMA TECH INDUSTRIES

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Catherine Wellman
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Gladwin County, Michigan.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: Archie Wellman.
4. Survival and/or Wrongful Death Claims:
Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Catherine Wellman, Michigan

5. Plaintiff/Decedent was born on 1933 and died on May 26, 2016.
6. Plaintiff is filing this case in a representative capacity as the Spouse and Next of Kin of the Decedent Catherine Wellman.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

X injury to the person represented

X wrongful death

X survivorship action
 X economic loss
 X loss of services
 X loss of consortium
 other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union ("PTI Union, LLC")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Eastern District of Michigan.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Sanford, Michigan.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Sanford, Michigan.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Midland, Michigan on or about February 2, 2016 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1986 and continued the use of talcum powder product(s) through about the following date: approximately 2016.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Michigan.
16. Plaintiff/Decedent used the following talcum powder products:

- ☒ Johnson & Johnson's Baby Powder
- ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)

- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Michigan (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Tale)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☒ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)

☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. Please see additional sheet.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
110 E. Lockwood, 2nd Floor
St. Louis, MO 63119
314-963-9000 telephone
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onder@onderlaw.com
blair@onderlaw.com
rados@onderlaw.com

Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

DEBBIE WYNN, AS ANTICIPATED PERSONAL
REPRESENTATIVE OF THE ESTATE OF
PATRICIA SMITH, DECEASED,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11882

Plaintiff,

v.

DIRECT FILED ACTION

IMERY'S TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC, D/B/A
PHARMA TECH INDUSTRIES,

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Patricia Smith
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Wayne County, Michigan.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: _____.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Patricia Smith, Michigan

5. Plaintiff/Decedent was born on 1944 _____ and died on July 8, 2016.
6. Plaintiff is filing this case in a representative capacity as the _____ sister and next of kin _____ of the decedent Patricia Smith.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

X injury to the person represented

X wrongful death

X survivorship action

- X economic loss
- X loss of services
- _____ loss of consortium
- _____ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Eastern District of Michigan.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Detroit, Michigan.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Detroit, Michigan.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Southfield, Michigan on or about May 16, 2016 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1996 and continued the use of talcum powder product(s) through about the following date: approximately 2016.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Michigan.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
- ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form*

Complaint and Jury Demand as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and*

Jury Demand are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)

- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Michigan (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)

☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. Please see additional sheet.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados

James G. Onder, #38049

William W. Blair, #58196

Stephanie L. Rados, #65117

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rados@onderlaw.com

Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

TAMIKA CLARK, AS ANTICIPATED PERSONAL
REPRESENTATIVE OF THE ESTATE OF
BEVERLY CLARK, DECEASED,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11876

Plaintiff,

v.

DIRECT FILED ACTION

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC, D/B/A
PHARMA TECH INDUSTRIES,

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Beverly Clark
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Genesee County,
Michigan.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: _____.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Beverly Clark, Michigan

5. Plaintiff/Decedent was born on October 18, 1957 and died on July 8, 2013.
6. Plaintiff is filing this case in a representative capacity as the daughter and next of
kin of the decedent Beverly Clark.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

X injury to the person represented

X wrongful death

X survivorship action

- X economic loss
- X loss of services
- _____ loss of consortium
- _____ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Eastern District of Michigan.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Flint, Michigan.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Flint, Michigan.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Flint, Michigan on or about March 16, 2007 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1973 and continued the use of talcum powder product(s) through about the following date: approximately 2007.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Michigan.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
 - ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and*

Jury Demand are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer

Protection Laws of the State(s) of Michigan
(Against the Johnson & Johnson Defendants)

- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
 - ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
 - ☐ Count XVII: Fraudulent Concealment (Against PCPC)
 - ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
 - ☐ Count XIX: Loss of Consortium (Against All Defendants)
 - ☒ Count XX: Punitive Damages (Against All Defendants)
 - ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
 - ☒ Count XXII: Wrongful Death (Against All Defendants)
 - ☒ Count XXIII: Survival Action (Against All Defendants)
- ☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. Please see additional sheet.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of

compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
110 E. Lockwood, 2nd Floor
St. Louis, MO 63119
314-963-9000 telephone
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onder@onderlaw.com
blair@onderlaw.com
rados@onderlaw.com

Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

DANNY DAVIS, AS ANTICIPATED PERSONAL
REPRESENTATIVE OF THE ESTATE OF TIRA
MAE DAVIS, DECEASED,

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-11878

Plaintiff,

v.

DIRECT FILED ACTION

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC, D/B/A
PHARMA TECH INDUSTRIES,

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Tira Mae Davis
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Saline County, Kansas.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: _____.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Tira Mae Davis, Kansas

5. Plaintiff/Decedent was born on January 10, 1934 and died on October 26, 1998.
6. Plaintiff is filing this case in a representative capacity as the son and next of kin of the decedent Tira Mae Davis.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself

X injury to the person represented

X wrongful death

- ☒ survivorship action
- ☒ economic loss
- ☒ loss of services
- ☐ loss of consortium
- ☐ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE**Jurisdiction:**

9. Jurisdiction in this Short Form Complaint is based on:
- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the District of Kansas.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Assaria, Kansas.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Assaria, Kansas.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Wichita, Kansas on or about September 28, 1998 (date).
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: approximately 1946 and continued the use of talcum powder product(s) through about the following date: approximately 1998.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Kansas.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
 - ☐ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)

- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Kansas (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Tale)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)

☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil

Procedure. Please see additional sheet.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados
James G. Onder, #38049
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Counsel for Plaintiff(s)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

DONNA HALL,

COMPLAINT AND JURY DEMAND

Plaintiff,

Civil Action No.: 3:21-cv-11880

v.

IMERYS TALC AMERICA, INC. F/K/A LUZENAC
AMERICA, INC., AND PTI UNION, LLC D/B/A
PHARMA TECH INDUSTRIES,

DIRECT FILED ACTION

Defendants.

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Donna Hall
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of Wayne County, MI.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: N/A.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: N/A
5. Plaintiff/Decedent was born on 1957 and died on N/A.
6. Plaintiff is filing this case in a representative capacity as the _____ of the _____, having been duly appointed as the _____ by the _____ Court of _____.
7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

X injury to herself

_____ injury to the person represented

- _____ wrongful death
- _____ survivorship action
- X _____ economic loss
- X _____ loss of services
- _____ loss of consortium
- _____ other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are using the following Defendant(s) (please check all that apply)¹

- ☐ Johnson & Johnson
- ☐ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

- ☒ Other(s) Defendant(s) (please specify): PTI Union, LLC ("PTI Union")

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). _____

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: United States District Court for the Western District of Michigan.

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Belleville, WI.
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Belleville, WI.
13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in (City, State): Ypsilanti, WI on or about May 2011.
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: 1969 and continued the use of talcum powder product(s) through about the following date: 2011.
15. The Plaintiff/Decedent purchased talcum powder product(s) in the following State(s): Virginia and Michigan.
16. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
 - ☒ Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☐ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ☐ Count IV: Products Liability – Strict Liability – Defendant Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ☐ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ☐ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ☐ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☒ Count VIII: Negligence (Against Imerys Talc)
- ☐ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- ☐ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

- ☐ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☐ Count XIII: Fraud (Against PCPC)
- ☐ Count XIV: Violation of State Consumer Protection Laws of the State(s) of Michigan (Against the Johnson & Johnson Defendants)
- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☐ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☐ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☐ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☐ Count XXII: Wrongful Death (Against All Defendants)
- ☐ Count XXIII: Survival Action (Against All Defendants)
- ☒ Count XXIV: Products Liability – Strict Liability – Failure to Warn (Against PTI Union)
- ☒ Count XXV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against PTI Union)
- ☒ Count XXVI: Negligence (Against PTI Union)
- ☒ Count XXVII: Breach of Express Warranties (Against PTI Union)

☒ Count XXVIII: Fraud (Against PTI Union)

☒ Count XXIX: Fraudulent Concealment
(Against PTI Union)

☐ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Respectfully Submitted by,

ONDERLAW, LLC

By: /s/ Stephanie Rados

James G. Onder, #38049
William W. Blair, #58196
Stephanie L. Rados, #65117
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Counsel for Plaintiff(s)

EXHIBIT B

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "PTI UNION, LLC", FILED IN THIS OFFICE ON THE THIRTEENTH DAY OF NOVEMBER, A.D. 2007, AT 12:19 O'CLOCK P.M.



4456914 8100

071215840

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6156944

DATE: 11-13-07

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:19 PM 11/13/2007
FILED 12:19 PM 11/13/2007
SRV 071215840 - 4456914 FILE

CERTIFICATE OF FORMATION**OF****PTI UNION, LLC**

1. The name of the limited liability company is PTI UNION, LLC.
2. The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is the Corporation Trust Company.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of PTI UNION, LLC this 13th day of November, 2007.

By: 
Thomas L. Benson, III